

OLYMPIC COAST NATIONAL MARINE SANCTUARY

Meeting Minutes

Sanctuary Advisory Council Meeting
January 11, 2008
Port Angeles Fire Department Training Center
Port Angeles, Washington

Olympic Coast National Marine Sanctuary
NOAA, National Marine Sanctuary Program
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Reviewed by SAC Secretary

Reviewed by OCNMS Superintendent

Approved by SAC

Olympic Coast National Marine Sanctuary
January 11, 2008

Members Present:

Terrie Klinger, Research (Chair)
Katie Krueger, Quileute Tribe Alternate
Fan Tsao, Conservative Alternate
Teresa Scott, Wash. Dept. of Fish & Wildlife
Ellen Matheny, Education
Doug Fricke, Commercial Fishing Alternate
Kevin Ryan, US Fish & Wildlife
Chip Boothe, Wash. Dept of Ecology
George Hart, U.S. Navy
Steve Copps, NOAA Fisheries
Mike Doherty, Local Government
Phil Johnson, Local Government Alternate
Jim Wood, Makah Tribe
Brady Scott, Dept. of Natural Resources
Frank Holmes, Marine Industry Alternate
Rebecca Post, Wash Dept. of Ecology
alternate
Roy Morris, Citizen-at-Large Alternate

Staff

Carol Bernthal, Superintendent
Andy Palmer, Advisory Council Coordinator
George Galasso, Asst. Superintendent
Liam Antrim, Resource Specialist
Ed Bowlby, Research Coordinator
Helène Scalliet, National Marine Sanctuaries
Program
Ed Lindelof, National Marine Sanctuaries
Program

Guests/Public Attendees:

Jennifer Hagen, Northwest Indian Fisheries
Commission
Mike Gurling, Forks Chamber of Commerce
Judith Morris, Cong. Norm Dick
Fred Felleman, Friends of the Earth
Ryland Bowechop, Makah Tribe
Ed Bowen, private citizen

Welcome

Terrie Klinger called the meeting to order at 10:00 a.m. Mike Doherty, Clallam County Commissioner and local government representative on the advisory council gave a welcoming.

Agenda/Meeting Minutes

Terrie Klinger asked for adoption of the agenda. The motion passed. Prior to adoption of the minutes, Steve Copps asked that clarifying language be added to better reflect his comments on the condition report. These sentences were added to the November minutes: "Steve Copps commented that both the SAC and the IPC should have prominent roles in developing the MPR and suggested that at some future time, an effort be made to coordinate the two Councils. He further commented that a credible, transparently developed assessment of the sanctuary ecosystem would be important to have prior to scoping and full initiation of the MPR and that the Condition Report may serve such a function". The changes and the November meeting minutes were adopted unanimously.

Internal Affairs

Nominations for officers for the year were requested. **Fan Tsao nominated the present-**

serving officers -- chair Terrie Klinger, vice chair Bob Bohlman, and secretary Teresa Scott -- to serve as officers for the coming year. Doug Fricke seconded the nominations. The new officers were elected by unanimous vote with no abstentions. Terrie Klinger announced that we would be postponing the oath of office until the next meeting, since we still had not received official confirmation of the new members and alternates from the national program office. Terrie Klinger next asked for a discussion of the topics we would like to have considered for the regional case study to be presented at the annual Chairs/Coordinators meeting to be held in May. She reported that she had had some conversations with other west coast chairs and that none of the councils had yet made their recommendations for the case study. A number of the topics that were under consideration were not directly relevant to the issues that the Olympic Coast National Marine Sanctuary (OCNMS) was facing. One issue that resonated with a number of sites was the issue of siting alternative energy projects with sanctuary waters. Rebecca Post offered the suggestion that the lessons learned from the Cosco Busan spill in San Francisco Bay would also make a good topic. Frank Holmes suggested VTS and other vessel monitoring schemes would make a good topic as well. Terrie Klinger said that she would carry those suggestions forward with the other chairs.

Member Report

Steve Copps gave a report on his agency, the National Marine Fisheries Service. He listed the various acts and international treaty responsibility NMFS has to illustrate that the agency has a very wide range of responsibilities. His division within the agency deals with salmon harvest, groundfish, and permits. The Northwest Region office covers fisheries on the entire west coast, particularly since it has the lead for regional offices on groundfish. The region works very closely with the Pacific Fisheries Management Council and develops most of its regulations on harvest through the council process. All of NMFS has a dividing line organizationally between the science and the policy aspects of fisheries management. The Northwest Fisheries Science Center provides the science analysis and stock assessments that informs the policy decisions on harvest issues. In order to successfully do ecosystem management of the groundfisheries, collaboration among all groups including agencies and universities having critical data sets, was essential. He described a project he worked on with the Nature Conservancy to identify areas that needed to be closed to certain fisheries and then buying back the permits of vessels involved in those fisheries as a means of softening economic impacts.

Wave Energy Project Update

Liam Antrim, OCNMS permit specialist, gave a brief overview of the proposed Finavera Wave Energy Project (formerly Aqua Energy). A couple of the key requirements of the recently issued Federal Energy Regulatory Commission (FERC) license for the demonstration project is that they must start construction within two years and finish within three years, with a result that the project should be in the water about 2009, if they gain required permits from the other regulatory agencies, including OCNMS. This is the first FERC license issued for any ocean energy project in the United States. The second key issue is that the FERC license also acknowledged for the first time the section 4(e) authority under the Federal Powers Act for the National Marine

Sanctuary Program. This applies to federal lands that are held for public purposes and that any agency that has jurisdiction over these lands may develop requirements that become mandatory for the FERC license. This is the first time this has been applied in the marine environment. The result is that 10 conditions that the OCNMS had requested in its earlier comments on the license application are included in the license. These include field studies ahead of installation, especially eelgrass habitat, and analysis of the hard substrate habitat on the cable transmission route. Various members asked questions about the conditions that FERC incorporated in the license and whether the concerns that the advisory council raised in the letter outlining their comments were adopted. Rebecca Post suggested the original workgroup that developed the advisory council comments get back together and review the license to see where the gaps are. There may be opportunities in the subsequent permits to get additional conditions adopted. A general discussion followed about how the advisory council should proceed, the adequacy of the environmental assessment and whether the sanctuary might ask for supplemental analysis once the engineering is completed, and the need for stakeholder to have a forum for input into projects like these. **Doug Fricke moved that the wave energy working group reconvene to consider the points that the advisory council comment letter raised, how they were addressed in the FERC license, and report back to the advisory council at the next meeting.** Rebecca Post agreed to chair the reconvened working group. Jennifer Hagen, Doug Fricke, Fan Tsao, and Brady Scott are members of the working group as well. **The motion passed unanimously with no abstentions.**

Blue Seas, Green Communities Project Discussion

Carol explained that NMSP headquarters wants to develop program initiatives to integrate good environmental practices in how we do business. Dan Basta is giving sanctuary advisory councils an opportunity if they so wish of enhancing or developing projects within local communities that would contribute to “greening their communities” and enhance sanctuary resources. If councils are interested then he is asking that they form working groups to develop green communities initiatives. She asked that if the advisory council is interested in taking something like this on, then they form a working group to develop ideas for projects to bring back to the council. Discussion followed about the time commitment that would be required, given that the advisory council will be heavily engaged in management plan review and whether there was a need to form a working group or just ask staff to bring recommendations back to the council. After various ideas for potential projects were proposed by individual members, the advisory council decided to go ahead and set up a working group with initial members Ellen Matheny, Roy Morris, Steve Copps, Jennifer Hagen, Jody Kennedy, and Mike Gurling. Steve agreed to chair the working group.

Public Comment

Fred Felleman, consultant to the Bluewater Network and Friends of the Earth, was concerned that there were so few members of the public present and reminded members that when the sanctuary went through its original scoping process it had one of the highest degree of public participation second only to Monterey Bay. He hopes that it will have the same high degree of

participation during the management plan review process. He also commended the sanctuary for the careful consideration of the wave energy project at Makah Bay. He expressed concern that the issue of oil spills in the sanctuary may have slipped lower in the level of concern than some of the other issues that have arisen since and that the Cosco Busan spill in San Francisco shows that there is still work to be done in this area. Mike Doherty expressed interest in joining the Green Communities workgroup and noted that Jefferson and Clallam counties have joined some 800 other local governments in an effort to identify several hundred steps that can be taken to reduce emissions and enhance recycling. He also urged any members who have the time should look at the climate change report and strategy being developed by the state. He also said that Clallam and Jefferson County currently have a NASA grant to take a look at some of the changes going on in the county, especially the snowmelt in some of the watersheds. There may be opportunities to use the information to leverage some federal money for scientific research. Several members talked about a new marine resource committee for the Grays Harbor and the outer coast region and how the Clallam County MRC operates. Rebecca Post announced that there was going to be a large-scale oil spill drill on the outer coast in May. She would like to see sanctuary staff come back to the advisory council after the drill to give us a lessons learned. She also requested that sanctuary staff also give a report on the lessons learned about the impacts of the Cosco Busan spill in San Francisco and the impacts on the sanctuaries down there. Carol Bernthal said that she would ask Bill Douros, regional superintendent, to make that part of his presentation when he comes to the next meeting. She also said that there is a group forming to take a look at how the sanctuaries can respond to similar events in the future while still maintaining some level of functioning of sanctuary offices.

Management Plan Review scoping workgroup report

Fan Tsao reported that the workgroup did most of the work over a month, including four conference calls. She went through structure of the report and some of the recommendations. Roy Morris complemented the workgroup and the staff on their work. He underlined the need to have a vigorous outreach effort to ensure that there is a robust public input. **Rebecca Post moved that the advisory council accept the report and the recommendations of the workgroup.** The motion was seconded by Teresa Scott. There was a discussion about whether the resources would be available for implementing the workgroup recommendations. Carol Bernthal expressed confidence that we would be able to accomplish most of this. Ed Lindelof of the NMSP headquarters, who is assigned to the OCNMS MPR process, explained that having a well informed public give input is critical to the success of the new management plan. He was fairly confident that the funds will be available to launch the process this year. There was some discussion about trying to obtain some input from Canadian organizations, especially those on Vancouver Island. George said that it would probably be most feasible to send information to the Big Eddy steering committee, of which the sanctuary is a part along with key British Columbia agencies and environmental groups. It was suggested that Olympic Natural Resource Center was added to the list of organizations. Others suggested that spill responders and coast guard officials be included in the contact list. It was agreed to go ahead and adopt the report as written and noting that the suggestions brought up today as well as other ones that occur the members may be added at anytime. **The motion was agreed to unanimously with not abstentions.**

OCNMS Condition Report Update

Ed Bowlby, OCNMS research coordinator, reminded members that the condition report is designed to be a quick “report card” on the sanctuary resources as well as showing where the information gaps are. It is designed for constituents and other interested parties, other resource managers and the larger NOAA. It focuses on 17 questions that are used in all the sanctuary condition reports to give some standardization across the program so that results may be compared from sanctuary to sanctuary as appropriate. OCNMS is still seeking and compiling the response from experts to the questions. The compilation of the responses will be incorporated and then sent out for another review by contributors. Once these final comments are received, the document will be sent out to peer reviewers. Once the peer review is completed then it will be published. This could be toward the end of the July. There was a discussion about the “weight” that the condition report carried and how much flexibility did it offer to respond to some unforeseen rapidly changing conditions in the future. Carol Bernthal explained that it was an aid to our constituents and ourselves to understand where we are now, but it in no way constrained the sanctuary from reacting to new conditions. Jim Woods expressed a concern that some of the questions seemed to the Makah tribe to be leading to a conclusion, such as questions about the impact of fishing, but after initial reluctance, the tribe decided to go ahead and respond the request for information. Ed explained how the experts were selected. Several members thought that it would be useful in the future to critique the questions and how they are posed. Carol agreed to take back to headquarters some of the concerns raised by the members about the questions.

Carol Bernthal explained that the OCNMS condition report has a number of review steps before it can be released. She said that an important issue is whether to wait for its completion before starting the public scoping process or whether to go ahead with scoping without having the completed report. Having the report ready in advance of the scoping meetings would have the advantage of giving commenters additional useful information on which to make comment. On the other hand, waiting for the report to be completed would push back the start of the MPR process considerably, impacting staff availability, and realistically would mean a start of the process in the fall. Ed Lindelof explained that none of the sites to date have had the condition report done prior to starting the MPR process, yet that didn’t prevent the report from being most useful in guiding and informing the development of management plans for those sanctuaries. He also added that it is the goal of the program to have condition reports completed early rather than later as the best use of this information. Members asked questions about the timing and duration of the scoping comment period. A number of members expressed the desirability of having the information from the condition report available to all participants prior to the scoping meetings. Katie Krueger offered a motion stating that **“in order to finish the science before moving into the policy, the condition report be substantially completed before starting the scoping meetings.”** The motion was seconded by Rebecca Post. Ed Lindelof explained that management plans are more than problems and issues and that the action plans developed by the workgroups will reflect that. A number of members spoke in support of

the motion. **The motion passed unanimously.**

Management Plan Review update

Helène Scalliet, NMSP headquarters staff who has been detailed to assist the OCNMS with the management plan review, explained that she wanted to give the advisory council members an idea of what an action plan. Actions plans are developed by the advisory council for each issue area or need lay out in detail for the public all the things that the sanctuary will work on in the coming years to address the issue or need. It also includes performance measures so that progress toward addressing each issue/need can be assessed. Working groups can vary how they operate, whether they meet in person, hold workshops, or conduct business by telephone and e-mail. Once the working groups have completed their action plans, these go to sanctuary staff where they are assembled into a management plan along with various administrative requirements. The compiled document is then brought back to the advisory council so they can see how the parts were put together. Members asked questions about the estimated costs for the action plans and whether all the action plans are developed by the advisory council. Ed Lindelof explained that there is a lot of flexibility in this process and that some of the action plans are developed by sanctuary staff when the plan is very straightforward and obvious. Some action plans are developed by a workshop rather than an ongoing workshop. It all depends on the nature of the issue or need. If new regulations are needed to implement action plans, they can either be included in the management plan at the time of its adoption, or can be developed afterward.

The Superintendent's Report

Carol Bernthal reported that the National Marine Fisheries Service (NMFS) has just release a state of the deep sea corals of the United States, as called for by the President's Ocean Action Plan. It considers where corals are located and the condition of those corals. The budget for the sanctuary program passed congress and is slightly higher than the President's budget request, but the specific allocation to each sanctuary has not been made. She announced that Bill Douros, the west coast region superintendent, is coming to the next meeting to talk about the work his office is doing. The sanctuary has completed the 5-year strategic plan for coastal cleanup. The Washington Clean Coast Alliance has been created to carry on the work of the annual coastal cleanup and the sanctuary is a partner in this. They've created a Washington Coast Savers web site to keep people informed of coastal cleanup opportunities. The sanctuary has finished up the derelict gear recovery project which was conducted as a partnership with the Northwest Straits Initiative between 2005 to 2007. The sanctuary is participating in a habitat mapping workshop in Seattle to assess the needs for habitat mapping. Carol announced two new staff changes to the sanctuary staff; John Barimo, research assistant, and Jacqueline Laverdure, education specialist.

Public Testimony

Fred Felleman advised the sanctuary to develop a document to show the public what the sanctuary has done to date. Carol Bernthal said that the State of the Sanctuary report includes those elements and it's currently being revised, but it will be out to the public soon. Fred also said it would be good to have the sanctuary advisory committee write the key state legislators to

lend support for year around funding for the rescue tug at Neah Bay. He also suggested that it would be useful to have data on what organisms are in the water column at various times of the year so when decision makers are considering whether to use dispersants in an oil spill or not, they will have some idea of what is in the water column that could be harmed by dispersant usage. Fred reported that recent incidents involving failures of tow lines between tugs and barges indicates that there is a problem and the standard of practice for tow operators needs to be upgraded. He requested that his organization, Friends of the Earth/Bluewater Network be added to the list organization to be contacted during the management plan review, especially when it comes to cruise ship practices in the sanctuary. Ed Bowen said he was pleased with the action that the advisory council took on the condition report, to make it available to the public ahead of public hearings. He stated that it was especially important to coastal residents to know what the data gaps are.

Terrie Klinger announced that she was keeping a running list of the agenda items for the next meeting and that this meeting will likely be held on the outer coast. The meeting was adjourned.